

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
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Greenwire

Chairwoman slams Wheeler's 'retaliatory' memo to advisers
<https://www.eenews.net/eedaily/2020/02/12/stories/1062326953>
By Sean Reilly, E&E Reporter

An EPA plan to clip the authority of rank-and-file members of a leading agency advisory panel appears to be vindictive and legally questionable, House Science, Space and Technology Chairwoman Eddie Bernice Johnson (D-Texas) said yesterday.

Under a [draft memo](#) issued late last year by EPA Administrator Andrew Wheeler, most members of the Science Advisory Board would no longer have the chance to weigh in on which regulations warrant scrutiny. Instead, that decisionmaking responsibility would rest with Wheeler and the board's chairman, Michael Honeycutt.

"I am particularly troubled by the timing of this draft memorandum as it appears to be a retaliatory reaction to recent draft SAB reports that are critical of several proposed rulemakings being promulgated by the agency," Johnson said in her [letter](#) to Wheeler.

The proposal also seems to run counter to a federal law authorizing the board to review regulations "with or without your request," she added.

Johnson asked Wheeler to explain both the proposal's timing and the legal basis for EPA's assertion that the SAB chairman can make decisions for the full 44-member panel.

The board — created by the 1978 Environmental Research, Development and Demonstration Authorization Act — advises EPA on a variety of scientific and technical issues.

As E&E News has previously reported, the board members got a phone briefing in late November on the proposal from an EPA political appointee ([Greenwire](#), Dec. 10, 2019).

Members soon after provided written feedback and are now "waiting to hear back from EPA," Honeycutt, a senior manager at the Texas Commission on Environmental Quality, said in an email yesterday. He previously said he wasn't "real wild" about the proposed approach.

"It's good to see that the House committee is taking an interest in what the SAB is doing," another member, Richard Smith of the University of North Carolina, Chapel Hill, said in a separate message.

While EPA spokesman Michael Abboud has described the draft memo as outdated, the agency hasn't released a newer version.

Wheeler "values the input of the SAB, hence circulation of a draft memo to seek comment before implementing a new process," Abboud said in an email yesterday.

Board members learned of Wheeler's plan about a month after subcommittees finished four preliminary reports sharply critical in some instances of the science underlying EPA rulemakings to roll back Clean Water Act protections, relax Obama-era vehicle fuel efficiency standards, strike the legal justification for power plant pollution regulations and limit the types of scientific studies EPA can tap when crafting major new regulations ([Greenwire](#), Jan. 2).

While the preliminary reports were made public only in late December, they all bear mid-October dates, meaning Wheeler would presumably have been aware of the findings before proceeding with his proposed overhaul the next month.

Abboud has said the goal is to ensure that EPA's work with the board "is timely, transparent, consistent, and considers the work and expertise of the EPA's other advisory committees."

Washington Times

Former PG&E attorney to head EPA West Coast office

<https://www.washingtontimes.com/news/2020/feb/12/former-pge-attorney-to-head-epa-west-coast-office/>

By Associated Press

The Environmental Protection Agency has named a former attorney for the nation's largest utility to head its West Coast office, replacing the regional director ousted from the post last week.

John Busterud, who worked for Pacific Gas and Electric for three decades, will manage more than 600 staff employees and oversee environmental protection efforts across EPA's Region 9, which includes 50 million people living in California, Nevada, Arizona, Hawaii, the Pacific Islands and tribal lands, KQED reported Tuesday.

Mike Stoker, the EPA's regional director since 2018, said he got a call last week from senior agency officials in Washington, D.C., telling him to resign.

The change in leadership comes amid conflict between California and the federal government over environmental policy.

Among the disagreements are the Trump administration's policies aimed at expanding domestic oil and gas production, and its rollback of environmental regulations. California, a state with robust environmental enforcement, is seeking to transition away from fossil fuels.

Busterud's experience includes serving as a board member for the California Council for Environmental and Economic Balance, a group that represents the natural gas industry, among other types of business.

At PG&E, Busterud directed the department of the environment and real estate. He worked on issues related to air and water quality, endangered species, toxic waste and environmental policy, according to an [EPA](#) press release.

Busterud retired from the company's law department in 2016 after serving 30 years with the utility.

Busterud said in a statement that it is an "honor and privilege" to take the position with the [EPA](#), and that he looks forward to working with [EPA](#) Administrator Andrew Wheeler. "We are committed to building on the [agency's](#) legacy of success by providing clean and safe air, water and land for all Americans," Busterud said.

Bloomberg Environment

Greenhouse Gas Emissions Rose by 3% in 2018, EPA says

<https://news.bloombergenvironment.com/environment-and-energy/greenhouse-gas-emissions-rose-3-in-2018-epa-says?context=search&index=0>

By Stephen Lee

Greenhouse gas emissions in the U.S. rose by 2.9% in 2018 compared to 2017, according to the latest EPA inventory.

The Environmental Protection Agency in a report Wednesday attributed the increase to greater fossil fuel combustion, which in turn was driven by a colder winter and hotter summer that increased heating and cooling needs across the nation. Transportation emissions also rose 0.6%.

But spikes were found across the board. Emissions from iron, steel, and metallurgical coke production rose 9.3%, and emissions from petroleum systems shot up 60.8%.

The 2018 increase also followed three straight years of falling emissions levels. Since 1990, U.S. emissions have increased by an average of 0.2% per year, EPA said.

The EPA attributed the rise in the transportation sector to an "increased demand for travel," driven by population growth, economic growth, urban sprawl, and low fuel prices. Passenger cars accounted for 41% of the overall transportation emissions, followed by freight trucks at 23.2%, light-duty trucks at 17.5%, and commercial aircraft at 7%.

Overall, the U.S. emitted 6.7 billion metric tons of carbon dioxide equivalent, the EPA said in a draft version of its annual [Inventory of U.S. Greenhouse Gas Emissions and Sinks](#).

Global emissions of carbon dioxide must decline by about 45% from 2010 levels by 2030 and reach zero around 2050 to keep temperature increase at about 1.5 degrees Celsius (2.7 Fahrenheit) and avoid serious climate change impacts, scientists said in a 2018 United Nations Intergovernmental Panel on Climate Change special report.

Wall Street Journal

Carbon Capture Wins Fans Among Oil Giant

<https://www.wsj.com/articles/carbon-capture-is-winning-fans-among-oil-giants-11581516481>

By Rebecca Elliot

Can new technology suck carbon dioxide, a prevalent greenhouse gas, out of the air—economically? More companies are betting that it can, as governments adopt ambitious carbon-emissions targets and investors [grow increasingly concerned about the risks of climate change](#).

Carbon-capture [techniques have existed](#) for decades. But it's incredibly expensive—not to mention energy intensive—to remove the carbon dioxide from the atmosphere on a large enough scale to make a significant dent.

Now, [Exxon Mobil Corp.](#), [Microsoft Corp.](#) and others are focused on reducing the cost and the amount of energy required to capture carbon dioxide. Some companies are using giant fans to suck up air, then separating the carbon

dioxide chemically. One venture plans to fill land in Arizona with dozens of accordionlike machines designed to expand as they absorb the gas.

Carbon-capture technology works similarly to plant photosynthesis in that it takes in carbon dioxide. But rather than producing oxygen or carbohydrates, as plants do, the equipment removes carbon dioxide from exhaust, ambient air or other gas streams, and then concentrates the molecule so that it can be stored underground, repurposed to make fuels or even used to carbonate drinks.

Among those leading the charge are major oil companies such as [Occidental Petroleum Corp.](#), [Chevron Corp.](#) and Exxon, whose fuels contribute to global warming. Carbon dioxide traps heat, and most domestic emissions of the gas come from burning fossil fuels, according to the Environmental Protection Agency.

Many oil producers are investing in capture technology because they have an economic purpose for the gas: They inject it deep underground to help release trapped oil. Known as enhanced oil recovery, this process is the top use for captured carbon dioxide globally, according to an analysis of large-scale carbon capture and storage facilities by the Global CCS Institute, a nonprofit that advocates for the technology.

Many companies expect there will be more reasons to buy and sell the molecule in the coming decades, though that likely will depend on lawmakers taking additional steps to regulate emissions, such as by putting a price on carbon.

“Part of this has to be economic,” says Robert Peterson, a senior vice president for Houston-based Occidental, a leader in enhanced oil recovery.

Occidental gets nearly all of the carbon dioxide it injects underground from naturally occurring carbon-dioxide reservoirs. But in the future the company wants captured carbon to play a larger role so that it can take advantage of federal tax incentives, help meet corporate environmental targets and eventually market its fuels as low-carbon.

To do so, Occidental has joined with Canadian firm Carbon Engineering Ltd. to build a facility in the Permian Basin of Texas and New Mexico that would take up to roughly 1 million metric tons of carbon dioxide out of the atmosphere annually. That’s equivalent to the greenhouse-gas emissions from more than 200,000 cars a year, according to EPA estimates.

Carbon Engineering plans to start construction next year and open the plant in 2023. It would be the world’s largest facility designed to remove carbon dioxide from the ambient air, according to the Global CCS Institute, relying on industrial fans to bring air into contact with a liquid solution that binds to the greenhouse gas. Existing large capture plants suck up the gas where it’s more concentrated, such as at natural-gas processing plants.

Carbon Engineering declined to provide a cost estimate for the facility.

Some find the practice of capturing carbon to augment oil production troubling. “We see at least a strong danger of a moral hazard here,” says Jan Wurzbacher, chief executive of Swiss carbon-capture firm

Climeworks AG, which doesn’t sell its carbon dioxide to oil companies. “Will it just allow us to emit more fossil fuels?”

Climeworks clients include a Swiss greenhouse that uses the gas to help plants grow bigger; Coca-Cola HBC Switzerland, which uses the carbon dioxide to make seltzer; and even individuals who want to offset their carbon footprint by paying to bury the gas that Climeworks captures. At its facility in Hinwil, a village in Switzerland, fans suck air into containers roughly the size of small cars, where filters remove the carbon dioxide.

Carbon capture isn’t cheap. If current technology were implemented at scale, it would cost between about \$80 and \$160 a metric ton to capture and store the carbon dioxide produced by natural-gas power plants, and between about \$125 and \$449 a metric ton to take the gas out of the ambient air, where it’s more diffuse, according to Goldman Sachs estimates.

In the U.S.—which generated roughly 5 billion metric tons of carbon dioxide in 2017, EPA data show—the tax credit for capturing and storing carbon dioxide was less than \$30 a metric ton as of 2019, though that is set to increase to as much as \$50 in the coming years.

Globally, the highest price on carbon as of last year was about \$121 a metric ton, in Sweden, according to the World Bank.

“Ultimately this is a waste-management problem,” says Arizona State University engineering professor Klaus Lackner, who developed the accordionlike machine. “Any carbon-based fuel that you combust will produce CO₂, and if you put that in the atmosphere, it becomes your responsibility to take it out.”

Mr. Lackner calls his machines “mechanical trees” for their ability to filter carbon dioxide from the ambient air. One version of the device is about 5 feet wide and can expand to about 30 feet tall, exposing specialized disks that bind to carbon dioxide molecules. When the disks get wet, the carbon is released and can be collected.

Silicon Kingdom Holdings Ltd., an Irish company with ties to ASU, plans to commercialize the technology, and sell the carbon dioxide and potentially carbon credits or offsets, if those markets take off. It plans to install a dozen of the devices in the Phoenix area this year and eventually build a 360-unit farm in the state.

Powering carbon-capture equipment also typically consumes a lot of energy, potentially undercutting the climate benefits. Generally, researchers have assumed that for every 100 kilowatt-hours of electricity a power plant produces, an additional 25 kilowatt-hours are needed to collect the associated carbon dioxide emissions, according to Stanford University engineering professor Mark Jacobson. However, Mr. Jacobson’s research indicates that figure can be as high as about 50 kilowatt-hours.

“There’s really no case ever where carbon capture is better than just taking renewable energy and replacing a coal or gas plant,” says Mr. Jacobson, who has studied the health and climate effects of carbon-dioxide removal.

Microsoft last month pledged to invest \$1 billion over the next four years in the development of carbon-removal and reduction technology as part of a climate initiative that would have the technology company become “carbon negative” by 2030.

Exxon also is working to address some of those issues by joining with Connecticut-based [FuelCell Energy Inc.](#) to develop technology that would remove carbon dioxide from industrial exhaust electrochemically while also converting natural gas to electricity.

Chevron has invested in companies that are fine-tuning how to capture the greenhouse gas more efficiently. Among them are Carbon Engineering and Svante Inc., a Canadian firm whose filters extract the carbon dioxide produced from industrial processes such as burning natural gas or making cement.

Chevron also operates one of the world’s largest projects to bury carbon dioxide, in Australia, which the government required Chevron to build as part of a natural-gas development there. In that case, however, Chevron isn’t taking carbon dioxide out of the air. Instead, it separates the molecule from natural gas as it flows from underground.

“The demand for energy is growing, and the expectations to lower the carbon footprint are increasing,” says Barbara Burger, president of Chevron’s venture-capital arm.

Bloomberg Environment

Curtain Rises on House GOP Climate Change Proposal (Corrected)

<https://news.bloombergenvironment.com/environment-and-energy/curtain-rises-on-house-republicans-climate-change-proposal-50?context=search&index=1>

By Chuck McCutcheon & Renee Schoof

Republican House leaders today will provide the first glimpse of their climate change package of legislation.

House Minority Leader Kevin McCarthy (R-Calif.) and the top House Energy and Commerce Committee Republican, Rep. Greg Walden (R-Ore.), will join other Republicans who are working on a carbon capture, clean energy, and conservation program.

Republicans are considering a push to extend the existing carbon capture and storage tax credit beyond its expiration at the end of 2023. Rep. Garret Graves (R-La.), who is backing an extension of the carbon capture credit, is scheduled to be on hand for the announcement.

Also attending: Rep. Bruce Westerman (R-Ark.), who is spearheading a legislative plan to plant a trillion trees. —Dean Scott.

Showdown in Oregon Over LNG Export

Oregon and the Federal Energy Regulatory Commission appear to be on a collision course over what would be the West Coast's only liquefied natural gas export terminal, Paul Shukovsky writes.

FERC will announce whether it will grant permission to Pembina Pipeline Corp. to build its \$10 billion Jordan Cove Energy Project, including an LNG plant perched on the north spit of Coos Bay, Ore. The Canadian company wants to connect the LNG plant with the North American gas grid by building a 229-mile-long pipeline in Oregon.

The pipeline would cross some 300 bodies of water—many containing endangered salmon—and more than 2,000 acres of forest including about 750 old-growth acres that are habitat for endangered species like the marbled murrelet, a small seabird, and the northern spotted owl. Oregon government agencies say there were many problems with FERC's final environmental impact statement. If FERC gives a green light, which could come as early as today, the project still must get approvals from the state.

What Else We're Watching

The House today is slated to vote on final passage of a wilderness bill that would extend protections to more than 1 million acres of public land in Colorado, California, and Washington state. Designation under the Wilderness Act removes areas from oil and gas drilling and other natural resource development, which has triggered opposition from Republicans and led the White House to issue a veto threat.

The Protecting America's Wilderness Act (H.R. 2546), introduced by Rep. Diana DeGette (D-Colo.), also would add nearly 1,000 miles of river to the National Wild and Scenic River System.

The House Natural Resources Committee meets this morning to vote on a resolution that would grant committee chair Rep. Raul Grijalva (D-Ariz.) power to issue subpoenas. Grijalva is expected to subpoena information requested by the committee that the Interior Department has failed to provide, including documents related to moving Bureau of Land Management headquarters from Washington to Colorado. The committee last issued a subpoena in 2016 under Rep. Rob Bishop (R-Utah) as chair, who subpoenaed documents related to the 2015 Gold King Mine disaster in Colorado.

The House science panel today marks up five bills, including H.R. 2986, which would establish research and demonstration programs for grid-scale energy storage systems.

Sen. Tom Carper (D-Del.), the top Senate and Public Works Committee Democrat, plans to introduce legislation this week (draft bill) that would give the EPA new climate change authority to push the U.S. to net-zero emissions by 2050.

The White House Council on Environmental Quality plans a second hearing on planned changes to regulations that implement the National Environmental Policy Act on Feb. 25, but yesterday's hearing in Denver was the only one outside the Beltway. Businesses that build infrastructure said they need the faster reviews that the changes would provide. Environmentalists said the shorter review process comes at too high a cost for air, water, and public health.

Bloomberg Environment

Subpoena Power for Interior Document Granted to House Democrat

<https://news.bloombergenvironment.com/environment-and-energy/subpoena-power-for-interior-documents-granted-to-house-democrat?context=search&index=0>

By Bobby Magill

The House Natural Resources Committee on Wednesday gave its chairman, Rep. Raul Grijalva (D-Ariz.), the right to issue subpoenas, something Grijalva says he needs because of the Trump administration's refusal to turn over information.

Grijalva is expected to subpoena information requested by the committee that the Interior Department has failed to provide, including documents related to moving Bureau of Land Management headquarters from Washington to Colorado.

The resolution passed 21-15 along party lines with an amendment that prevents Grijalva from issuing a subpoena until seven days after consulting with committee Republicans. Grijalva said he would begin issuing subpoenas in seven days.

The resolution gives him the power to issues subpoenas for information from the Interior, Agriculture, and Commerce departments and the Council on Environmental Quality and the Office of Management and Budget.

Subpoenas are essential for the committee to conduct oversight of the Interior Department after dealing with "more than a year of stonewalling and smokescreens" from the Trump administration and Interior department witnesses who have appeared before the committee, Grijalva said.

The committee doesn't automatically grant itself subpoena power at the beginning of each congressional session.

It last issued subpoenas in 2016 under Rep. Rob Bishop (R-Utah) as chairman related to the 2015 Gold King Mine disaster in Colorado.

The committee can't craft legislation pertaining to shrunken national monuments and the relocation of the Bureau of Land Management headquarters "without testimony or documentation that the administration is withholding," Grijalva said.

He said administration witnesses appearing before the committee have had a "cavalier" attitude toward answering the committee's questions, and the administration hasn't responded to questions about legislation the committee is considering.

"We're not here as potted plants to be cared for and watered when the administration decides it's time," Grijalva said. "We're here as an independent body with co-equal status. The discussion about subpoena power is about us asserting that co-equal status. This committee is essentially ignored."

Resistance and 'Wingdings'

Interior for months resisted responding to the committee's requests for documents, but recently said it has delivered thousands of pages to committee staff.

The Interior press secretary yesterday tweeted that the department had delivered 42,714 documents to the committee so far in 2020.

At a September committee hearing, Interior Department Principal Deputy Solicitor Daniel Jorjani called Interior's responsiveness to Congress' requests for information "robust," by that time producing more than 100,000 pages.

But Grijalva accused the department of padding its numbers. Interior submitted a printed 12,000-page spreadsheet that was already available online, and hundreds of pages full of "unintelligible symbols," he said.

Jorjani said many of those pages were filled with “wingdings,” or nonsense characters, in an effort to provide Congress with complete documents. “I commit to doing better,” he said in September.

At another September committee hearing, acting BLM Director William Perry Pendley refused to answer some questions about the plan to move the BLM’s national headquarters from Washington to Grand Junction, Colo.

At that hearing, Pendley said he “can’t get into the specifics” of why Grand Junction, which is 250 miles from the nearest state capital and major airport, was the Interior Department’s choice for the new BLM headquarters.

Grijalva said Wednesday that all such incidents of ill-prepared witnesses, inadequate information provided to the committee, and ignored requests for information “begin to accumulate.”

“We’ve reached the accumulation point,” he said.

Republicans Object

Republicans said Democrats both in the committee and in their control of the House are abusing their power.

“I find it very frightening what we’re doing today,” Rep. Paul Gosar (R-Ariz.) said at the hearing. “You don’t throw out good process with the bathwater. You just don’t.”

Bishop criticized the committee for exercising “blanket authority” to force agencies and private individuals to meet “overly broad” requests for information.

“The fact that we’re doing this change is unusual,” Bishop said, calling the effort “abhorrent.”

Rep. Kevin Hern (R-Okla.) said the amendment invites abuse, but “the worst part about it is that I know how prompt these agencies are with congressional staff.”

Rep. Jared Huffman (D-Calif.) countered: “The reason we’re doing this after 14 months of desperate attempts to not go there, to try to work cooperatively with this administration, is we have never seen a president like this or administration like this when it comes to blanket stonewalling.”

Drinking Water Grants

The committee also advanced several bills at the hearing Wednesday.

Among them was [H.R. 5347](#), sponsored by Rep. T.J. Cox (D-Calif.), which would establish a federal grant program through the Interior Department to support disadvantaged communities unable to fully overhaul drinking water systems found to be contaminated.

Cox said half of California’s failing drinking water systems are in the San Joaquin Valley, and the U.S. Bureau of Reclamation, part of the Interior Department, is well positioned to provide drinking water systems grants because it is the region’s top water supplier.

Republicans on the committee opposed the bill because they said it duplicates existing federal drinking water programs.

The bill “enacts shiny new programs,” that are already being accomplished by the Environmental Protection Agency, said Rep. Tom McClintock (R-Calif.) at the hearing.

But Rep. Jim Costa (D-Calif.) said many communities in California and throughout the country still don’t meet clean drinking water standards, and they need support.

“I view this legislation as a work in progress,” and the EPA program falls short, Costa said. “We need to get Interior to work with EPA to address these shortcomings.”

Greenwire

Study: EPA failing to set limits that protect children

<https://www.eenews.net/greenwire/2020/02/12/stories/1062333353>

By Marc Heller, E&E News Reporter

EPA isn't fully following a federal law that requires tighter limits on potential pesticide exposure for children and infants, an environmental group said.

In a study published Monday in the journal *Environmental Health*, Environmental Working Group researchers said EPA has applied the strict requirement in only a handful of the risk assessments it writes for farm chemicals, falling short of requirements under the Food Quality Protection Act.

The law, enacted in 1996, requires EPA to apply a tenfold children's health safety factor in completing risk assessments for pesticides, to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue."

But EPA applied the requirement in just five out of 47 risk assessments for certain types of pesticides since 2011, EWG found. That part of the study examined non-organophosphates.

For organophosphates — a class of pesticides that's particularly toxic — the Trump administration hasn't proposed adding the tenfold safety factor to any, EWG said. That position is in contrast to the Obama administration, which proposed the increased safety factor for all of them and also moved toward banning one, chlorpyrifos.

Under Trump, EPA maintained the registration for chlorpyrifos, citing its importance to farmers, and said it's safe when handled according to label instructions.

That chemical stands out, according to the study, for the Trump administration's willingness to accept the analysis of its manufacturer, Dow AgroSciences — now called Corteva Agriscience.

While the Obama administration had applied the tenfold safety standard for chlorpyrifos, the Trump administration reversed that decision as well when it denied a petition by the Pesticide Action Network North America and the Natural Resources Defense Council to ban the chemical.

In reaching that decision, the agency in part cited a study submitted by Dow AgroSciences, which was "considered by EPA to be high quality and well-designed," according to the order denying the petition.

Under the FQPA, EPA is required to review pesticide registrations every 15 years. The reviews involved detailed human health risk assessments, in addition to environmental studies. In some cases, chemicals are banned, such as a prohibition on chlorpyrifos for household use. In many more, EPA requires revised labels to reflect updated safety measures.

EPA has a history of challenges in implementing the law, which Congress passed unanimously. In 2006, the agency's Office of Inspector General said EPA had "primarily measured its success and the impact of FQPA by adherence to its reregistration schedule rather than by reductions in risk to children's health."

EWG President Ken Cook said in a news release that EPA's shortcomings implementing the law are an "egregious betrayal of its responsibility."

He added, "The FQPA was a revolution in how we think about pesticides' effects on children, but it does no good if the EPA doesn't use it."

EPA releases annual Toxic Release Inventory for Solano, state

Daily Republic Staff

FAIRFIELD — The U.S. Environmental Protection Agency announced the latest annual Toxic Release Inventory National Analysis on Tuesday in San Francisco.

The findings cover 2018, the most recent publicly available report, a press release said.

A total of 1,208 facilities in California reported 34.5 million pounds of TRI chemical releases for 2018, a 19 percent increase from 2017.

At the local level

There are 18 identified Toxic Release Inventory sites in Solano County that managed 36.29 million pounds of production-related waste in 2018, according to the report. It's the most production-related waste that was managed in Solano County since 2015. and nearly matches that's year's total of 36.47 million pounds.

Six of the sites are in Fairfield; two are near Rockville Hills Regional Park; there are two each in Vacaville, Benicia, Dixon and Vallejo; and one each at Travis Air Force Base and in Suisun City.

Treatment accounted for 17.56 million pounds of managed waste in Solano County. Energy recovery accounted for another 17.37 million pounds. Recycling amounted to an additional 214,421 pounds.

The county's various facilities had a combined total of 1.14 million pounds of on-site and off-site disposal or other releases, according to the report. Of the on-site total, 306,700 pounds was released into the air, 828,600 pounds into water and 34 pounds onto land.

The largest total of release or disposal came from the Valero petroleum refinery in Benicia at 970,795 pounds, with the lion's share — more than 828,000 pounds — released into the water and another 135,061 pounds released into the air, according to the report.

Next on the list or the top five, with primarily air emissions, is the Ball Metal plant in Fairfield at 118,115 pounds and the Ardagh Metal Beverage USA plant in Fairfield at 41,230 pounds. Rounding out the list, with solely air emissions, is Anheuser-Busch in Fairfield at 5,875 pounds and Nexeo Solutions in Fairfield at 4,753 pounds, according to the report.

The big picture

The hazardous waste management, petroleum products, primary metals and food manufacturing sectors reported the highest releases in the state.

In 2018, 7 percent of facilities in California (81 facilities) implemented new source reduction activities. Most facilities reporting source reduction were in the fabricated metals or computers and electronics sectors.

This year's National Analysis expands the focus on geographical trends in chemical waste management across the country. New features include profiles exploring the diversity of industrial operations in each EPA region and a closer look at data from the hazardous waste management sector and the aerospace manufacturing sector.

It shows an increase in recycling of TRI chemical wastes nationwide and indicates that companies continue to find ways to implement new source reduction activities and reduce the quantities of TRI chemicals they release into the environment.

Along with the 2018 TRI National Analysis, the EPA is publishing a new tool on the TRI website to help explain the data reported by the metal mining sector.

EPA's new interactive graphic, which was developed with input from stakeholders, explains how metal mines operate, and generally how and where releases of TRI-listed chemicals happen.

"The Toxics Release Inventory provides the public in America's Pacific Southwest with important environmental data that can be used to learn more about facilities in their communities," Pacific Southwest Acting Regional Administrator Deborah Jordan said in the press release. "Overall national trends in the data indicate facilities are recycling more, which is good for the economy and the environment in our region and across the U.S."

2018 national highlights include:

- Releases of TRI-covered chemicals into the environment from the manufacturing sector were lower than expected based on economic activity.
- Facilities initiated 3,120 new activities to prevent or reduce the creation of chemical waste.
- Nationally, the percent of industrial chemical waste that is recycled instead of released continued to increase.

Under the Emergency Planning and Community Right-to-Know Act, covered facilities must report their annual releases of TRI chemicals for the prior calendar year to EPA by July 1. EPA, states and tribes receive TRI data from facilities in industry sectors such as manufacturing, mining, electric utilities and commercial hazardous waste management. The Pollution Prevention Act also requires facilities to submit information on pollution prevention and other waste management activities of TRI chemicals.

To access the 2018 TRI National Analysis, including local data and analyses, visit www.epa.gov/trinationalanalysis. Information on facility efforts to reduce TRI chemical releases is available at www.epa.gov/tri/p2. Learn more about EPA's Pacific Southwest Region at www.epa.gov/pacific-southwest-media-center.

AP News

Prosecutors: School system given phony asbestos test results

<https://apnews.com/0e5735dfcb4e62e536ce563b01a17c6f>

By Jeff Martin

A businessman who was in charge of monitoring asbestos in a Louisiana school system submitted false air monitoring and lab testing reports for years, federal prosecutors said.

In a federal indictment released this month, Marc A. Victoriano is accused of defrauding the Terrebonne Parish School Board of more than \$212,000.

Victoriano submitted 56 invoices with fraudulent lab reports from 2015-2017, prosecutors said. He was not an accredited asbestos inspector, but forged signatures of an accredited inspector on forms required by the Asbestos Hazard Emergency Response Act, the indictment states.

The federal asbestos act "is designed to protect our schools from hazardous air pollutants," said Special Agent in Charge Christopher Brooks of the Environmental Protection Agency's Criminal Investigation Division in Louisiana.

A lawyer for Victoriano, 46, declined to comment.

Victoriano, of Covington, Louisiana, is to be arraigned Feb. 27 in New Orleans on the felony charge of theft from an organization receiving federal funds. If convicted, he faces up to 10 years in prison and a fine of \$250,000.

Victoriano was the primary person in charge of asbestos abatement and monitoring in Terrebonne schools from 2011 through 2017, the indictment states.

In 2013, he pleaded guilty to submitting falsified documents to the Louisiana Department of Environmental Quality, the agency said in a news release at the time. That case involved part of his company that provided asbestos abatement training. He was sentenced to 12 months of probation and ordered to pay a fine, the agency said.

Juneau Empire

EPA: Alaska led nation in toxic chemical release

<https://www.juneauempire.com/news/epa-alaska-led-nation-in-toxic-chemical-release/>

By Ben Hohenstatt

Alaska in 2018 led the nation in releasing toxic chemicals tracked by the Environmental Protection Agency, according to a new EPA report, but the Alaska Department of Environmental Conservation commissioner says the numbers aren't what they seem on the surface.

Thirty facilities across the state released 971.9 million pounds of Toxic Release Inventory chemicals in 2018, according to the EPA's TRI National Analysis shared Tuesday morning. That's the most in the U.S. by volume and the 11th most per square mile.

TRI chemicals are toxic chemicals whose release must be reported to the EPA. There are currently 755 listed TRI chemicals. The annual TRI analysis tracks the management of toxic substances at the state and national levels.

DEC Commissioner Jason Brune said in a release the EPA's numbers don't tell the whole story of what's happening in Alaska.

That's because the vast majority — 970.6 million pounds, more than 99% — of Alaska's releases are land releases connected to metal mining, and Brune argues that unearthed rocks moved to a different part of the mining site don't have a significant impact on public health and should not be qualified as a toxic release.

"Big mines like Red Dog (near Kotzebue) move a significant amount of material as part of their daily operations, but such actions do not adversely impact human health and the environment," Brune said in a release. "Characterizing such releases as toxic is disingenuous at best."

However, that's not everyone's impression of the annual analysis.

David Chambers, founder and president of the Montana-based Center for Science in Public Participation, a nonprofit that provides assistance on mining and water quality to public interest groups and tribal governments, find TRI analysis to be fair and useful.

"I think EPA's critique of releasing all these metals is legitimate," Chambers said.

[House-passed bill could lead to PFAS cleanup]

He said it's tough to characterize unearthing rocks containing toxic chemicals and moving them to another location as anything other than a release that creates the potential for harmful materials to enter the environment.

"If you let them loose they can be a real problem," Chambers said. "That's basically what mining does to these metallic elements."

With this year's report, the EPA published a new guide with the 2018 TRI National Analysis to help explain metal mining data. The EPA was unable to respond to a request for comment in time for the publication of this article.

The guide notes that because large mines relocate millions of tons of excavated waste rock, the reported quantity of chemicals can be quite large, and it acknowledges TRI data is not in itself enough to determine the level if any of public exposure to toxic chemicals.

In Alaska, Red Dog Operations accounted for more than 90% — about 885.7 million pounds — of the state's releases, according to the EPA's figures, but it wasn't the only mining company in the top five.

The entirety of the top five releasers in Alaska were mining projects, according to the analysis. Red Dog was trailed by Hecla Greens Creek Mining Co. at about 55.6 million pounds, Fort Knox Mine at about 19.5 million pounds, Pogo Mine at about 7.9 million pounds, and Couer Alaska Inc Kensington Gold Project at about 2.3 million pounds.

For comparison, Nevada as a state released over 339 million pounds of TRI chemicals, Utah over 291 million and Texas over 225 million.

In a letter shared with the Empire, Red Dog general manager Les Yesnik and Wayne Westlake President and CEO for the NANA Regional Corporation, acknowledged the presence of lead and zinc in waste, but stated the EPA report creates "confusion and misinformation."

NANA is a regional Alaska Native corporation whose region includes 11 communities in the northwestern portion of the state and owns the land on which Red Dog Operates.

"This is a normal part of the mining process and does not indicate any health or environmental effect," Yesnik and Westlake wrote. "Red Dog is required to report the amount of materials moved at the mine site due to the grades of zinc and lead naturally occurring in the rocks in the ground. This does not relate to any releases of materials from Red Dog to the environment."

Chambers said lead and zinc may occur naturally, but so does cyanide. He also said that if toxic materials stayed entirely on mining sites all of the time, there would likely not be many complaints about the contents of mining waste.

"We've seen it demonstrated over and over again that those contaminants get off the mine site, and that's where you get problems," Chambers said.

He said the annual analysis can help track what chemicals and in what quantity are present at mining sites, and that information would be useful for quantifying risk to the public if the materials made their way off site.

"I think fundamentally, TRI is a good thing," Chambers said

Chicago Tribune

EPA orders hazardous waste cleanup at former East Chicago refinery

<https://www.chicagotribune.com/suburbs/post-tribune/ct-ptb-env-ec-refinery-cleanup-st-0212-20200211-c5kolaavhncfddztaoaspzyhqv-story.html>

Meredith Colias-Pete

The U.S. Environmental Protection Agency has ordered a hazardous waste cleanup at the former Cities Service Refinery site in East Chicago.

It ordered Citgo Petroleum Corp. and OXY USA to begin sizing up and cleaning hazardous waste leaks at the property's former tank terminals and refinery, 2500 E. Chicago Ave.

"This is another example of the ongoing commitment that EPA and the State of Indiana — which provided valuable information about the site — have to clean up hazardous-waste sites in East Chicago," recently appointed EPA Region 5 Administrator Kurt Thiede said Monday. "I appreciate the willingness Citgo and Oxy have shown to cooperate and work towards our common goals of protecting local human health and the environment."

The site is located south of residential neighborhoods and north of wetlands, about a half-mile north of the Grand Calumet River.

"Previous investigations have confirmed that there is existing oil contamination at the former Cities Service Refinery owned by OXY USA, but it is not known whether releases extend off-site," according to the EPA's website.

Citgo still operates 53 tanks on 228-acres on the northern end of the property with a capacity of 180 million gallons of petroleum products, according to the EPA.

The order could be a sign one day parts of the property could be re-purposed for industrial use, activist Thomas Frank said.

"I'm happy to see a cleanup is on the way," he said. "I'm concerned to see all the time that was wasted. "We're glad there's attention. By them addressing the issues, they are posing as if they have a solution," Frank said. "What really is occurring is that they are putting a band-aid on it."

Cities Service Co.'s precursor, Texas-Empire Pipe Line Co., built the 322-acre site in 1929, going through multiple owners. Their facility, about 93 acres, on the southern end shuttered in 1972, with above ground buildings demolished over the next few years.

It's been largely vacant since. The underground oil tanks are still there.

A naptha tank caught fire in April 1980, causing a thick trail of smoke that was visible in Schererville and Sauk Village, Illinois, according to newspaper archives. No one was hurt.

Michigan Radio

Dr. Mona Hanna-Attisha challenges EPA Lead and Copper Rule Proposal

<https://www.michiganradio.org/post/dr-mona-hanna-attisha-challenges-epa-lead-and-copper-rule-proposal>

By Makayla Ealy

Flint pediatrician, [Dr. Mona Hanna-Attisha](#), testified during a House hearing on Tuesday for the Environmental Protection Agency's [proposed changes to the Lead and Copper Rule](#).

The proposal has been criticized for not being aggressive enough to effectively decrease lead levels in [lead-contaminated](#) drinking water.

The crises in Washington D.C., [Flint](#), and Newark, New Jersey framed much of the discussion during the hearing.

Changes to the Lead and Copper Rule would include an inventory of all lead service pipes buried underground and require water systems to replace lead service lines when customers replace lead fixtures in their homes.

Water systems would also be required to test drinking water samples in schools and childcare facilities, and notify customers within 24 hours if tested water samples contain more than 15 parts per billion (ppb) lead.

Some critiques of the proposal are that it does not lower the action level of lead in drinking water from 15 ppb, but instead introduces a trigger level of 10 ppb for water systems to decrease the levels of lead in its water. A further delay for the removal of all lead service pipes is also included.

Hanna-Attisha requested expedited and total removal of lead service lines, more comprehensive corrosion control treatments, and improved communication and public education.

"Unfortunately the proposed revisions are a missed opportunity and fail to rebuild trust in our nation's drinking water," says Hanna-Attisha.

Hanna-Attisha presented [Michigan's recently adopted regulations on lead in drinking water](#) to highlight the deficiencies of the EPA's proposal.